

## DECLARATION FOR PATENT APPLICATION

Attorney Docket No: T103 1580.1

Below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe:

☐

I am the original, first and sole inventor

☒

I am an original, first and joint inventor

of the subject matter which is claimed and for which a patent is sought on the invention entitled

Pharmaceutical Compositions and Methods for Relieving Pain and Treating Central Nervous System Disorders

the specification of which:

☐

is attached hereto.

☒

was filed on October 15, 2004 and was assigned  
Application Serial No. 10/711,969.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, §119 of any United States provisional patent application, foreign application(s) for patent or inventor's certificate listed below and/or any international priority benefits under Title 35, United States Code, § 365 based on the following foreign and/or international application(s) listed below, and also identify below any United States provisional patent application, foreign and/or international application(s) for patent or inventor's certificate having a filing date before that of the above-identified application(s) on which priority is claimed:

Prior Application Number(s)	Country	Filing Date
60/511,697	US	October 15, 2003

I hereby claim the benefit under Title 35, United States Code, §120 of any United States patent application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior Application(s) Number(s)	Filing Date

Please address all telephone calls, in the first instance, to Carl B. Massey, Jr. at telephone number: (336) 721-3681.

Address all correspondence to:

**Carl B. Massey, Jr.**  
**WOMBLE CARLYLE SANDRIDGE & RICE**  
**Post Office Box 7037**  
**Atlanta, Georgia 30357-0037**

Customer No.:

26158

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

First Inventor's Signature *Scott R. Breining* Date: 8/1/05  
 Full Name of First Inventor: Scott R. Breining  
 Residence 2363 Rosewood Avenue, Winston-Salem, NC 27103 Citizenship US  
 Post Office Address 2363 Rosewood Avenue, Winston-Salem, NC 27103

Second Inventor's Signature *Balwinder S. Bhatti* Date: 7-28-2005  
 Full Name of Second Inventor: Balwinder S. Bhatti  
 Residence 2536 Polo Road, Winston-Salem, NC 27106 Citizenship US  
 Post Office Address 2536 Polo Road, Winston-Salem, NC 27106

Third Inventor's Signature \_\_\_\_\_ Date: \_\_\_\_\_  
 Full Name of Fourth Inventor: Gregory D. Hawkins  
 Residence 1320 #135 Fillmore Avenue, Charlotte, NC 28203 Citizenship US  
 Post Office Address 1320 #135 Fillmore Avenue, Charlotte, NC 28203

Fourth Inventor's Signature *Lan Miao* Date: 7/28/2005  
 Full Name of Third Inventor: Lan Miao  
 Residence 226 March Ferry Road, Advance, NC 27006 Citizenship US  
 Post Office Address 226 March Ferry Road, Advance, NC 27006

Fifth Inventor's Signature *Anatoly Mazurov* Date: 07/28/2005  
 Full Name of Seventh Inventor: Anatoly Mazurov  
 Residence 3704 Timberoak Drive, Greensboro, NC 27410 Citizenship US  
 Post Office Address 3704 Timberoak Drive, Greensboro, NC 27410

Sixth Inventor's Signature *Teresa Y. Phillips* Date: 7-28-05  
 Full Name of Fifth Inventor: Teresa Y. Phillips  
 Residence 4713 Whitby Place, Greensboro, NC 27406 Citizenship US  
 Post Office Address 4713 Whitby Place, Greensboro, NC 27406

Seventh Inventor's Signature *Craig H. Miller* Date: July 28, 2005  
 Full Name of Sixth Inventor: Craig H. Miller  
 Residence 1564 Sharon Road, Winston-Salem, NC 27103 Citizenship US  
 Post Office Address 1564 Sharon Road, Winston-Salem, NC 27103



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As the below named inventor, I hereby declare that:

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First Inventor's Signature *Scott R. Breining* Date: 8/1/05  
 Full Name of First Inventor: Scott R. Breining  
 Residence 2363 Rosewood Avenue, Winston-Salem, NC 27103 Citizenship US  
 Post Office Address 2363 Rosewood Avenue, Winston-Salem, NC 27103

Second Inventor's Signature *Balwinder S. Bhatti* Date: 7-28-2005  
 Full Name of Second Inventor: Balwinder S. Bhatti  
 Residence 2536 Polo Road, Winston-Salem, NC 27106 Citizenship US  
 Post Office Address 2536 Polo Road, Winston-Salem, NC 27106

Third Inventor's Signature *Gregory D. Hawkins* Date: 8-10-05  
 Full Name of Fourth Inventor: Gregory D. Hawkins  
 Residence 1320 #135 Fillmore Avenue, Charlotte, NC 28203 Citizenship US  
 Post Office Address 1320 #135 Fillmore Avenue, Charlotte, NC 28203

Fourth Inventor's Signature *Lan Miao* Date: 7/28/2005  
 Full Name of Third Inventor: Lan Miao  
 Residence 226 March Ferry Road, Advance, NC 27006 Citizenship US  
 Post Office Address 226 March Ferry Road, Advance, NC 27006

Fifth Inventor's Signature *Anatoly Mazurov* Date: 07/28/2005  
 Full Name of Seventh Inventor: Anatoly Mazurov  
 Residence 3704 Timberoak Drive, Greensboro, NC 27410 Citizenship US  
 Post Office Address 3704 Timberoak Drive, Greensboro, NC 27410

Sixth Inventor's Signature *Teresa Y. Phillips* Date: 7-28-05  
 Full Name of Fifth Inventor: Teresa Y. Phillips  
 Residence 4713 Whitby Place, Greensboro, NC 27406 Citizenship US  
 Post Office Address 4713 Whitby Place, Greensboro, NC 27406

Seventh Inventor's Signature *Craig H. Miller* Date: July 28, 2005  
 Full Name of Sixth Inventor: Craig H. Miller  
 Residence 1564 Sharon Road, Winston-Salem, NC 27103 Citizenship US  
 Post Office Address 1564 Sharon Road, Winston-Salem, NC 27103

**ASSIGNMENT**

Whereas, we, **SCOTT R. BREINING**, 2363 Rosewood Avenue, Winston-Salem, North Carolina, **BALWINDER SINGH BHATTI**, 2636 Polo Road, Winston-Salem, North Carolina, **GREGORY D. HAWKINS**, 423 Brent Street, Winston-Salem, North Carolina, **LAN MIAO**, 226 March Ferry Rd., Advance, North Carolina, **ANATOLY MAZUROV**, 3704 Timberoak Dr., Greensboro, North Carolina, and **CRAIG HARRISON MILLER**, 1564 Sharon Road, Winston-Salem, North Carolina, have invented a new and useful Improvement in PHARMACEUTICAL COMPOSITIONS AND METHODS FOR RELIEVING PAIN AND TREATING CENTRAL NERVOUS SYSTEM DISORDERS, for which a provisional application was filed on October 15, 2003 and assigned Serial No. 60/511,697.

Now, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration paid to us by Targacept, Inc., a corporation organized under the laws of the State of Delaware, having a principal place of business at 200 East First Street, Suite 300, Winston-Salem, North Carolina 27101, the receipt whereof is hereby acknowledged, and in fulfillment of our pre-existing obligation of assignment, we do hereby assign, sell, and transfer unto the said Targacept, Inc., its successors and assigns, the entire right, title, and interest in said invention and application (including all inventions disclosed therein) for the United States and all countries foreign thereto, and any Letters Patent which may issue therefor in the United States and all countries foreign thereto and all divisions, reissues, continuations, extensions thereof. The Commissioner of Patents and Trademarks is requested to issue such Letters Patent in accordance herewith. We covenant that we are the lawful owners of the invention and application above mentioned, that the same are unencumbered, that no license has been granted to make, use, or sell the said invention, and that we have the full right to make this assignment, and agree that we will communicate to said assignee or its representatives any facts known to us respecting said invention, and will, upon request, testify in any interference proceedings, sign all lawful papers, execute all divisional, continuing, or reissue applications, make all rightful oaths, and generally do everything which in the opinion of said assignee or its attorneys may be reasonably required to aid said assignee to obtain full protection for said invention.

1/12/04  
Date

Scott R. Breining (SEAL)  
Scott R. Breining

1/12/04  
Date

Balwinder Singh Bhatti (SEAL)  
Balwinder Singh Bhatti

1/12/04  
Date

Gregory D. Hawkins (SEAL)  
Gregory D. Hawkins

1/13/04  
Date

Lan Miao (SEAL)  
Lan Miao

01/13/04  
Date

Anatoly Mazurov (SEAL)  
Anatoly Mazurov

1/12/04  
Date

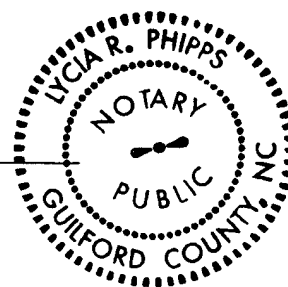
Craig Harrison Miller (SEAL)  
Craig Harrison Miller

State of North Carolina )  
: ss  
County of Forsyth )

Before me, a Notary Public for said County, personally appeared **Scott R. Breining**, known to me to be the person who executed the foregoing instrument and acknowledged it to be his/her act and deed.

Witness my hand and seal this 12 day of January, 2004.

Lycia R. Phipps  
Notary Public



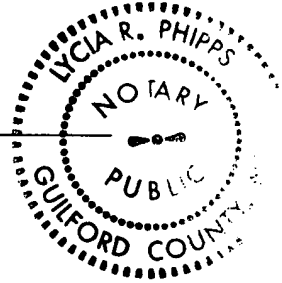
My commission expires: 9-19-2004

State of North Carolina                    )  
   : ss  
 County of Forsyth                         )

Before me, a Notary Public for said County, personally appeared **Balwinder Singh Bhatti**, known to me to be the person who executed the foregoing instrument and acknowledged it to be his/her act and deed.

Witness my hand and seal this 12<sup>th</sup> day of January, 2008<sup>4</sup>.

Lycia R. Phipps  
 Notary Public



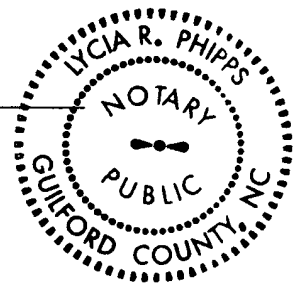
My commission expires: 9-19-2004

State of North Carolina                    )  
   : ss  
 County of Forsyth                         )

Before me, a Notary Public for said County, personally appeared **Gregory D. Hawkins**, known to me to be the person who executed the foregoing instrument and acknowledged it to be his/her act and deed.

Witness my hand and seal this 12<sup>th</sup> day of January, 2008<sup>4</sup>.

Lycia R. Phipps  
 Notary Public



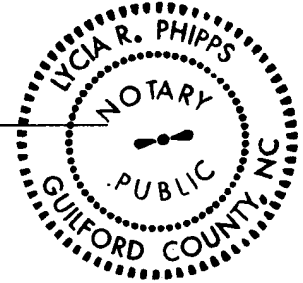
My commission expires: 9-19-2004

State of North Carolina                     )  
   : ss  
 County of Forsyth                                )

Before me, a Notary Public for said County, personally appeared **Lan Miao**, known to me to be the person who executed the foregoing instrument and acknowledged it to be his/her act and deed.

Witness my hand and seal this 13<sup>th</sup> day of January, 2008.

Lycia R. Phipps  
 Notary Public



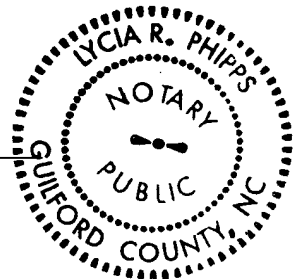
My commission expires: 9-19-2004

State of North Carolina                     )  
   : ss  
 County of Forsyth                                )

Before me, a Notary Public for said County, personally appeared **Anatoly Mazurov**, known to me to be the person who executed the foregoing instrument and acknowledged it to be his/her act and deed.

Witness my hand and seal this 13<sup>th</sup> day of January, 2008.

Lycia R. Phipps  
 Notary Public



My commission expires: 9-19-2004

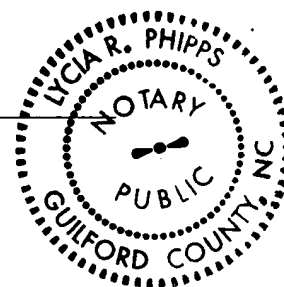


State of North Carolina                    )  
  : ss  
County of Forsyth                         )

Before me, a Notary Public for said County, personally appeared **Craig Harrison Miller**, known to me to be the person who executed the foregoing instrument and acknowledged it to be his/her act and deed.

Witness my hand and seal this 12<sup>th</sup> day of January, 2008.

Lycia R. Phipps  
Notary Public



My commission expires: 9/19/04

Docket No.: T103 1580.1

ASSIGNMENT

Whereas, I, **TERESA Y. PHILLIPS**, of 4713 Whitby Place, Greensboro, North Carolina 27406, have invented a new and useful Improvement in PHARMACEUTICAL COMPOSITIONS AND METHODS FOR RELIEVING PAIN AND TREATING CENTRAL NERVOUS SYSTEM DISORDERS, for which a nonprovisional application was filed on October 15, 2004, and assigned Serial No. 10/711,969, referencing a priority application filed October 15, 2003, and assigned U.S. provisional Serial No. 60/511, 697.

Now, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration paid to me by Targacept, Inc. (Targacept), a corporation organized under the laws of the State of Delaware, having a principal place of business at 200 East First Street, Suite 300, Winston-Salem, North Carolina 27101, the receipt whereof is hereby acknowledged, I do hereby assign, sell, and transfer unto Targacept, its successors and assigns, my entire right, title, and interest in the invention and applications (including all inventions disclosed therein) for the United States and all countries foreign thereto, and any Letters Patent which may issue therefore in the United States and all countries foreign thereto and all divisions, reissues, continuations, extensions thereof. The Commissioner of Patents and Trademarks is requested to issue such Letters Patent in accordance herewith.

As a joint inventor, I covenant that I am a lawful owner of the invention and application above mentioned, that my ownership is unencumbered, that I have granted no license to make, use, or sell the invention, and that I have the full right to make this assignment, and agree that I will communicate to the assignee or its representatives any facts known to me respecting the invention, and will, upon request, testify in any interference proceedings, sign all lawful papers, execute all divisional, continuing, or reissue applications, make all rightful oaths, and generally do everything which in the opinion of the assignee or its attorneys may be reasonably required to aid the assignee to obtain full protection for the invention.

7/28/  
Date

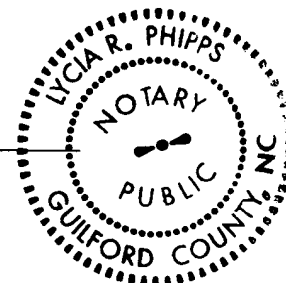
*Teresa Y. Phillips* (SEAL)  
Teresa Y. Phillips

State of North Carolina )  
County of Guilford ) : ss

Before me, a Notary Public for said County, personally appeared TERESA Y. PHILLIPS known to me to be the person who executed the foregoing instrument and acknowledged it to be her act and deed.

Witness my hand and seal this 28<sup>th</sup> day of July, 2005.

*Lycia R. Phipps*  
Notary Public



My commission expires: 8/22/2009